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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Plaintiff Gail E. Sandler and Defendants Carlos E. Fonte M.D., Ltd., a Nevada professional corporation, dba Advanced Cardiovascular Specialists, and Carlos E. Fonte (“Defendants”), by and through their respective counsel of record, jointly submit the following Status Report and stipulate to postpone the Status Check scheduled for March 27, 2023, at 1:30 p.m.

1. On October 12, 2022, the parties filed with this Court their “Stipulated: (1) Notice of Settlement; (2) Request for Stay; and (3) Request for Status Check.” *See* ECF Nos. 36, 37, and 38. The Court granted the stay of the proceedings and set the matter for Status Conference for January 23, 2023. *See* ECF No. 39

2. The Court held the scheduled Status Conference on January 23, 2023. As neither the

1 settlement nor the dismissal had been finalized at the time of the Status Conference, the Court
2 ordered that the stay on this matter remain in place and scheduled a new Status Conference for
3 March 27, 2023, at 1:30 p.m.

4 3. The parties have progressed toward being able to finalize the settlement and dismissal
5 of this matter.

6 a. Plaintiff has set up an account with Medicare to receive any part of the
7 settlement payment that must be paid into Medicare under the laws governing Medicare
8 reimbursement for medical expenses related to court settlements. While Plaintiff is disputing the
9 amount of the payment, Ms. Sandler's dispute over the payment amount will not delay a finalization
10 of the settlement or the dismissal of this action as Medicare has provided a "Current Conditional
11 Payment Amount" to Ms. Sandler, setting forth the amount that must be "paid in" to Medicare to
12 allow the settlement and dismissal to proceed.

13 b. Defendants have provided a draft settlement agreement to Plaintiff that,
14 currently, is being discussed by counsel to put into final form.

15 4. Notwithstanding the progress the parties have made since the prior Status Conference,
16 the parties will not be able to finalize the settlement or dismissal prior to the currently-scheduled
17 Status Conference set for March 27, 2023.

18 5. Counsel for Plaintiff is not available to attend the Status Conference scheduled for
19 March 27, 2023, because he will be traveling that day, by air, at that particular time.

20 6. It is for this reason that the parties ask that (1) that a Status Conference be scheduled
21 for sometime between April 24 and April 27, 2023, and (2) that the stay in this matter continue to
22 be in effect until the date and time of that Status Conference.

23 DATED: 21 March 2023.

DATED: 21 March 2023.

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JACKSON LEWIS P.C.

25 By: /s/ Robert P. Spretnak
26 Robert P. Spretnak, Esq.

By: /s/ Deverie J. Christensen
27 Deverie J. Christensen, Esq.

28 Attorney for Plaintiff

Attorneys for Defendants

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32 Las Vegas, Nevada 89101

ORDER

The Status Check scheduled for March 27, 2023, at 1:30 p.m. is hereby taken off this Court's calendar.

This matter will be set for Status Conference on April 25, 2023, at 1:30 p.m. The stay of all proceedings in this matter will continue until the date and time set for this Status Conference.

If a Stipulation and Order of Dismissal is filed with this Court prior to that date, the Status Check scheduled by this Court will be cancelled and the matter will be taken off this Court's calendar.

UNITED STATES DISTRICT COURT JUDGE

DATED: March 22, 2023.